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VIA ECF

Hon. Jeannetta A. Vargas
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *Trustees of the New York City District Council of Carpenters Pension Fund, et al. v. Tri-State Concrete Polishing LLC et al, 23 CV 10906 (JAV)*

Dear Judge Vargas:

This firm represents the Plaintiffs in the above captioned matter. We write jointly with counsel for Defendants Tri-State Concrete Polishing LLC (“Tri-State”), Southwest Concrete Polishing, Inc. (“Southwest”), Phoenix Finishing LLC (“Phoenix,”), and Michael Ozzimo (“Ozzimo,” together with Tri-State, Phoenix, and Southwest, the “Defendants”) in accordance with Rule 3.E of your Honor’s Rules and Practices in Civil Cases to respectfully request a brief extension of time to commence dispositive motion practice or alternatively, file a joint pre-trial order. The current deadline to file motions for summary judgment is August 11, 2025. *See* ECF Doc. No. 34.

As the parties previously informed the Court, a portion of this case has been resolved. The remaining dispute has now also been resolved, and the parties are in the process of memorializing the terms of their agreement. Accordingly, the parties respectfully request a three-week extension of the current deadline to file motions for summary judgment (or, in the alternative, a joint pre-trial order), through September 2, 2025. This brief extension will allow the parties to finalize their agreement, which will fully dispose of this action, without the need to proceed with costly dispositive motion practice. This is the third request for an extension of this deadline. The prior requests were granted, and no other deadlines would be affected if this request is approved.



The parties are mindful of the Court's prior instruction that no further extensions would be granted absent extraordinary circumstances. However, the parties respectfully submit that such circumstances exist here, as requiring the preparation and submission of summary judgment motions when the matter is settled in principle would result in a significant and unnecessary expenditure of time and resources by both the parties and the Court.

Accordingly, the parties propose the following briefing schedule:

	Current Deadline	Proposed Deadline
Plaintiffs' Opening MSJ Brief	August 11, 2025	September 2, 2025
Defendant's Opposition	September 8, 2025	September 29, 2025
Plaintiffs' Reply	September 22, 2025	October 13, 2025

Respectfully submitted,

/s/
 Adrianna R. Grancio, Esq.
Attorneys for Plaintiffs

/s/
 Richard B. Ziskin, Esq.
Attorneys for Defendants

The Parties' request for an extension of time to file motions for summary judgment is **GRANTED**. This is the third extension request. The Court has previously instructed that no further extensions would be granted absent extraordinary circumstances. The Court finds that the parties have demonstrated good cause for an extension of the summary judgment submission deadlines. The Court strongly encourages the Parties to finalize their agreement. This will be the final extension of the summary judgment submission deadline.

SO ORDERED.

DATED: August 6, 2025


 JEANNETTE A. VARGAS
 UNITED STATES DISTRICT JUDGE